

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL TYRONE COLSTON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-05-213-L
)	
JOHN WHETSEL, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

This action is brought pursuant to 42 U.S.C. § 1983 by plaintiff, a state prisoner appearing *pro se*. This matter is before the court for review of the Report and Recommendation entered by United States Magistrate Judge Gary M. Purcell on March 21, 2005, wherein he recommended that plaintiff's action be dismissed without prejudice for failure to comply with the court's orders. The Report and Recommendation notes that several court orders mailed to plaintiff at his last known address have been returned with the remark "Gone 2-18-05." The Magistrate Judge found that plaintiff has not provided the court with a current address.

The court file reflects that no party has filed an objection with the Clerk of this Court within the time limits prescribed in the Report and Recommendation. Indeed, the Report and Recommendation, mailed to plaintiff at his last known address, was also returned to the court as undeliverable with the notation, "Gone

2-18-2005.” LCvR5.5(a) provides that if any information regarding a parties’ address changes, the “pro se litigant must notify the Court by filing the form provided by the Clerk. . .”. In addition, Rule 5.5(a) provides: “Papers sent by the Court will be deemed delivered if sent to the last known address given to the Court.” A review of the court file reveals that the Report and Recommendation was sent to the last known address provided by plaintiff and was thus deemed delivered. Clearly, plaintiff has failed to provide the court with his current address. His failure to communicate with the court prevents this case from going forward. Under the circumstances, and having conducted a *de novo* review of the matter, the court finds that the Report and Recommendation should be adopted in its entirety. Therefore, plaintiff’s **action is DISMISSED WITHOUT PREJUDICE.**

It is so ordered this 21st day of April, 2005.


TIM LEONARD
United States District Judge